

April 10, 2009

VIA UPS OVERNIGHT DELIVERY

Ms. Sally Swanson, Chief
Water Enforcement and Compliance Assurance Branch
Water Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

Ms. Debbie Dubenetzky, Chief
Compliance Branch
Office of Water Quality
Indiana Dep't of Environmental Mgmt
100 North Senate Avenue
Mail Code 65-42
Indianapolis, Indiana 46206

Ms. Beth Admire, Chief
Enforcement Section
Office of Legal Counsel
Indiana Dep't of Environmental Mgmt
100 North Senate Avenue
Mail Code 60-01
Indianapolis, Indiana 46206

**Re: Consent Decree Case #1:06-cv-1456-DFH-VSS
Six-Month Status Report No. 5**

Dear Ms. Swanson, Ms. Dubenetzky, and Ms. Admire:

The City of Indianapolis is pleased to submit the fifth Six-Month Status Report pursuant to Section XI, ¶ 36 of the Consent Decree referenced above. This report covers the period October 1, 2008 through March 31, 2009. Please note that all Consent Decree milestones to date have been met, and that the City has initiated the actions necessary to continue to be in full compliance with all upcoming and future Consent Decree milestones.

Highlights of the City's accomplishments during the six-month reporting period include the following:

- The Real-Time Overflow Control Study, Phase II was completed and provides several viable recommendations for maximizing use of the City's existing sewer system.
- The bid year milestone date was met over two years early for CSO Control Measure 20, the White River Tunnel (Central Tunnel and Pump Station) and Watershed Projects.
- The bid year milestone was met for SSD Control Measure 6, the East Marion County Regional Interceptor Improvements.

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- Final approval for construction of the Deep Rock Tunnel Connector (CSO Control Measure 20) was received when an amendment to the 2006 CD was lodged with the United States District Court for the Southern District of Indiana. The Department of Justice (DOJ) will now receive public comments until April 13, 2009 before the amendment is presented to the District Judge for final signature.
- Planning or design work began or continued for numerous other CSO and SSD control measures, as described within this report.
- Design and land acquisition continued on the City's two supplemental environmental projects: the Banta/Southport and Epler/Meridian Septic Tank Elimination Projects.

We believe the enclosed Six-Month Status Report is consistent with and fulfills the reporting requirements of the Consent Decree. I would appreciate very much your confirming its compliance by returning the enclosed acknowledgement to me in the enclosed, self-addressed stamped envelope. If you do not believe the report is compliant, please let me know as soon as possible so that we can address any deficiency promptly.

Please do not hesitate to contact either myself at 317-327-5083, or Mr. Steve Nielsen at 327-2381, if you have any questions or comments regarding the enclosed Six-Month Status Report.

Very truly yours,



David R. Sherman, Director
City of Indianapolis Department of Public Works

Enclosures

cc: Gary Prichard, Office of Regional Counsel,
U.S. EPA Region 5 (w/Status Report w/o attachments)
Cyndi Wagner, Section Chief, Wet Weather Section,
Office of Water Quality, IDEM (w/Status Report w/o attachments)

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Acknowledgement of Compliance

The Six-Month Status Report No. 5, submitted by the City of Indianapolis on April 10, 2009, complies with the reporting requirements contained in Section XI, ¶36 of the Consent Decree entered in Case #1:06-cv-1456-DFH-VSS.

Sally Swanson, Chief
Water Enforcement and Compliance Assurance Branch
Water Division
U.S. Environmental Protection Agency, Region 5

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Debbie Dubenetzky, Chief
Compliance Branch
Office of Water Quality
Indiana Department of Environmental Management

Date_____

Beth Admire
Office of Legal Counsel
Indiana Department of Environmental Management

Date_____